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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PAT DELOS SANTOS,

Plaintiff,

v.

POSTMASTER GENERAL, JOHN  
POTTER,

Defendant.

No. C 06-2948 VRW

**STIPULATION AND [PROPOSED]  
PROTECTIVE ORDER RE  
CONFIDENTIALITY**

**STIPULATION AND [PROPOSED] PROTECTIVE ORDER RE: CONFIDENTIALITY**  
No. C 06-2948 VRW

Subject to the approval of this Court, plaintiff PAT DELOS SANTOS and defendant JOHN E. POTTER, Postmaster General for United States Postal Service, by and through their undersigned counsel, hereby stipulate to the following protective order:

The parties agree that entry of the following protective order is necessary in order to: (1) facilitate discovery of information without document by document controversy concerning confidentiality; (2) protect employees of the United States Postal Service from undue annoyance, embarrassment, oppression, burden and expense resulting from public disclosure or use for purposes other than this litigation of confidential information that the parties will disclose in discovery; and (3) avoid violation of the Privacy Act as codified at 5 U.S.C. §522a and (4) to protect the investigative processes engaged in by the United States Postal Service. The parties therefore request that the Court enter the following protective order pursuant to Federal Rule of Civil Procedure 26(c).

#### **STIPULATED ORDER**

All documents obtained from defendant in response to the Document Requests found in the Amended Notice of Taking of Deposition and Notice to Produce Documents at Deposition dated February 20, 2008 (the "Documents") shall be subject to the following restrictions:

1. The Documents and the information contained therein shall be used only for purposes of this litigation and not for any other purpose;

2. Neither the Documents nor the information contained therein shall be disclosed to anyone other than (a) the attorney employed by plaintiff and the attorney's staff; (b) outside experts or consultants retained by any of the parties or their counsel for purposes of this litigation after their execution of the Confidentiality Agreement (attached hereto as Exhibit A); (c) the Court in further proceedings herein; (d) stenographic deposition reporters; and (e) other persons whom the parties mutually agree upon in writing;

3. There shall be no reproduction of the Documents, except that, as required by the litigation, copies, excerpts, or summaries may be shown to those authorized in Paragraph 2;

4. Any of the Documents used as an exhibit to or in connection with a pleading or other

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1 document filed with the court shall be filed under seal in accordance with the Court's rules and  
2 procedures for filing documents under seal.

3 5. Except as otherwise provided in Paragraphs 2 and 3, all of the Documents shall remain in  
4 the custody of the plaintiff's attorney of record during the pendency of the litigation;

5 6. Upon final determination of this litigation, including all appeals, all of the Documents,  
6 including copies, extracts or summaries thereof, produced by defendant that pertains to any  
7 person other than the plaintiff herein, shall be returned to defendant's counsel. Notwithstanding  
8 this paragraph, however, the plaintiff's attorneys may retain one copy of each pleading and other  
9 document filed with the Court that contains any of the Documents covered by this Order.

10 Furthermore, nothing in this paragraph shall be construed to require plaintiff's attorney to turn  
11 over any attorney work-product or additional materials withheld under the investigative privilege  
12 without court order; and

13 7. This Stipulation and Protective Order is without prejudice to the right of any party to seek  
14 modification of it from the Court. It shall remain in effect until such time as it is modified,  
15 amended or rescinded by the Court and shall survive termination of this action. The  
16 Court shall have continuing jurisdiction to modify, amend, or rescind this Stipulation and  
17 Protective Order notwithstanding the termination of this action.

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STIPULATION AND [PROPOSED] PROTECTIVE ORDER RE: CONFIDENTIALITY  
No. C 06-2948 VRW

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2 **IT IS SO STIPULATED.**

3 Confidentiality Agreement and Protective Order.

4 DATED: March 12, 2008

5 Respectfully submitted,  
6 JOSEPH P. RUSSONIELLO  
7 United States Attorney

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9 MELISSA K. BROWN  
10 Assistant United States Attorney  
11 Attorney for the Federal Defendant

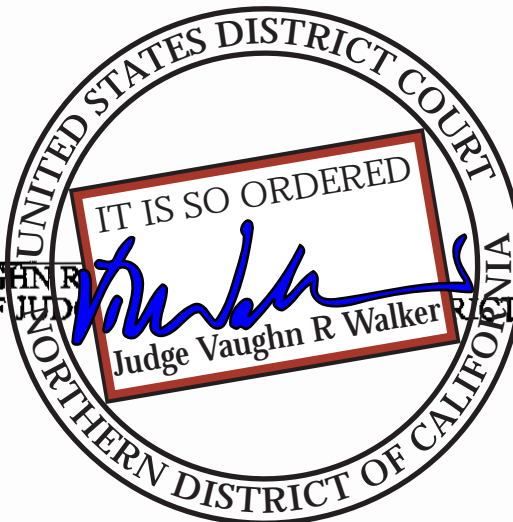
12  
13 Dated: March 12, 2008

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15 MAY ANTONETTE TEODORO  
16 Attorney for Plaintiff

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18 **APPROVED AND SO ORDERED.**

19 DATED: March 17, 2008

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21 VAUGHN R.  
22 CHIEF JUDGE



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STIPULATION AND [PROPOSED] PROTECTIVE ORDER RE: CONFIDENTIALITY  
No. C 06-2948 VRW

**EXHIBIT A****CONFIDENTIALITY AGREEMENT**

I, the undersigned, hereby acknowledge that I have received and read a copy fo the Stipulation and Protective Order ("Protective Order") entered in *Pat Delos Santos v. John Potter, Postmaster General United States Postal Service*, U.S. District Court for Northern District of California, Case No. C-06-2948 VRW (hereinafter the "Action"), and understand the terms therefore and agree to be bound thereby.

I further acknowledge and understand that any of "the Documents" and other information produced in the Action (*i.e.*, documents, testimony, written discovery responses and other information provided in the course of pretrial discovery and any information contained therein or derived therefrom) may not be disclosed to anyone, except as authorized by the Protective Order, and may not be used for any purposed other than the purposes of the Action. I agree to return to counsel "the Documents" and any confidential material derived therefrom at the conclusion of the Action.

I submit to the jurisdiction of the court in which the Action is pending, and I understand that sanctions may be imposed by the Court, including civil and criminal penalties for contempt of court, if I fail to abide by and comply with all of the terms, conditions, and restrictions imposed by the Protective Order.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

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